

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LLOYD F. AUDETTE,

Plaintiff,

v.

UMASS CORRECTIONAL HEALTH PROGRAM, a
program of the UNIVERSITY OF
MASSACHUSETTS MEDICAL SCHOOL;
KATHLEEN M. DENNEHY, Commissioner of
Correction; LOIS RUSSO, Superintendant of Souza-
Baranowski Correctional Center, and her predecessors
and successors; AUGUSTIN ENAW, M.D.;
LORRAINE HAZARD, M.D.; and CHARLIE
BLACK,

Defendants.

CIVIL ACTION
NO. 05-10403-DPW

**JOINT MOTION TO EXTEND DISCOVERY
AND FOR SCHEDULING CONFERENCE**

Plaintiff, Lloyd Audette (“Mr. Audette”), and defendants, UMass Correctional Health, Augustin Enaw, M.D., Lorraine Hazard, M.D., and Charlie Black (collectively, “UMCH”), and Kathleen M. Dennehy, Commissioner of Correction, and Lois Russo, Superintendent of Souza Baranowski Correctional Center (together, “DOC”), respectfully submit the following Joint Motion to Extend Discovery and for Scheduling Conference:

1. On or about August 25, 2005, following a hearing with the parties, this Court entered an Order directing (1) that all non-expert, non-doctor discovery be completed by March 31, 2006; and (2) that a further scheduling conference be held after completion of a Medical Malpractice Tribunal.

2. The parties have diligently pursued discovery, but due to difficulty in procuring documents from certain departments within UMCH, as well as scheduling conflicts that have

prevented completion of all depositions, do not anticipate being able to complete non-expert, non-doctor discovery by March 31, 2006. The parties have scheduled depositions into April 2006 pending Court approval of this Motion to Extend Discovery and for Scheduling Conference, and anticipate that all non-expert, non-doctor discovery can be completed no later than May 31, 2006.

3. The Medical Malpractice Tribunal has noticed a hearing in this matter for March 10, 2006. Mr. Audette has submitted his Offer of Proof to the Medical Malpractice Tribunal, and the parties anticipate that the Medical Malpractice Tribunal will rule either during or some time shortly after the March 10, 2006 hearing.

4. The parties respectfully submit that this Court should schedule a status conference on May 31, 2006, or at the Court's earliest convenience thereafter. Consistent with Fed. R. Civ. P. 26(f), Local Rule 16.1(b), and this Court's August 25, 2005 Order, the parties will submit a revised proposed pretrial schedule for the completion of all remaining discovery, motions practice, and trial of this matter prior to that status conference.

Respectfully submitted,
LLOYD F. AUDETTE,
By his attorneys,

/s/ Brandon L. Bigelow
Donald J. Savery, BBO #564975
Rheba Rutkowski, BBO #632799
Brandon L. Bigelow, BBO #651143
T. Peter R. Pound, BBO #657378
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110-1726
(617) 951-8000

Dated: February 28, 2006

Respectfully submitted,
**UMASS CORRECTIONAL HEALTH,
AUGUSTIN ENAW, M.D., LORRAINE
HAZERD, M.D. and CHARLIE BLACK,**
By their attorneys,

/s/ Lisa R. Wichter
James A. Bello, BBO# 633550
Lisa R. Wichter, BBO# 661006
Morrison Mahoney LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500

Respectfully submitted,
KATHLEEN DENNEHY and LOIS RUSSO,
By their attorney,

/s/ David J. Rentsch
David J. Rentsch, BBO# 544926
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110
(617) 727-3300